

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

TELCO GROUP, Inc., individually and )  
on behalf of all persons similarly )  
situated, )  
Plaintiff, ) 8:05CV387  
V. )  
AMERITRADE, Inc., ADVANCED ) ORDER  
CLEARING, Inc., and AMERITRADE )  
HOLDING, Corporation, )  
Defendants. )

This matter is before the court on the parties' respective responses, Filing No. 99 and Filing No. 100, to the court's earlier order to show cause, Filing No. 98. Upon consideration of the parties' arguments, the court finds the stay pending arbitration should remain in effect, however, plaintiff's action will be dismissed with prejudice for failure to prosecute unless plaintiff initiates arbitration of its claim, in accordance with the arbitration clause in the agreement between the parties, within 90 days of the date of this order. Accordingly,

**IT IS HEREBY ORDERED:**

1. The court's earlier order staying this action pending arbitration (Filing No. 96) shall remain in force and effect.
2. Plaintiff shall initiate arbitration proceedings and inform the court within 90 days of the date of this order or this action is subject to dismissal with prejudice.

DATED this 30<sup>th</sup> day of July, 2007.

BY THE COURT:

s/ Joseph F. Bataillon  
Chief U.S. District Court Judge